

SENATE MOTION

MADAM PRESIDENT:

I move that Senate Bill 245 be amended to read as follows:

- 1 Page 15, between lines 30 and 31, begin a new paragraph and insert:
- 2 **"(g) If, after a hearing under subsection (e), the commission**
- 3 **determines that the provider offers broadband service to fifty**
- 4 **percent (50%) of the households in the local exchange area as**
- 5 **required under subsection (e), the provider shall reinvest an**
- 6 **amount equal to the incremental revenue accruing to the provider**
- 7 **as a result of all rate increases imposed by the provider under**
- 8 **subsection (c) or (d) in any of the following:**
- 9 **(1) Facilities, equipment, or technology used to provide**
- 10 **communications service (as defined in section 13 of this**
- 11 **chapter) to Indiana customers, including customers in**
- 12 **underserved or rural areas.**
- 13 **(2) Service quality initiatives designed to improve the delivery**
- 14 **of basic telecommunications service to Indiana customers.**
- 15 **(3) Other programs and infrastructure designed to benefit**
- 16 **Indiana customers."**
- 17 Page 15, line 31, delete "(g)" and insert "(h)".
- 18 Page 16, between lines 3 and 4, begin a new paragraph and insert:
- 19 **"(i) After June 30, 2009, a provider may not raise the provider's**
- 20 **rates for basic telecommunications service for a particular**
- 21 **customer class in Indiana above the rates for basic**
- 22 **telecommunications service for the particular customer class that**
- 23 **are in effect on June 30, 2009."**
- 24 Page 16, line 12, delete "The" and insert "A tariff filed under this
- 25 **subdivision may not include rates for basic telecommunications**
- 26 **service that exceed those allowed under section 1.3(i) of this**
- 27 **chapter. Subject to section 1.3(i) of this chapter, the".**
- 28 Page 16, line 22, delete "to the sole issue of the provider's
- 29 compliance with the" and insert **"to one (1) or both of the following**
- 30 **issues:**
- 31 **(1) The filed tariff's compliance with section 1.3(i) of this**

- 1 **chapter.**
- 2 **(2) The provider's compliance with the filed tariff."**
- 3 Page 16, line 23, delete "filed tariff".
 (Reference is to SB 245 as printed January 12, 2006.)

Senator SIMPSON